

# TOWN OF WEARE

## PLANNING BOARD

15 Flanders Memorial Rd - PO Box 190

Weare NH 03281

Phone: 603-529-2250 - Fax: 603-529-7527

December 2, 2010 - Meeting Minutes

**\*\*FINAL COPY\*\***

**PRESENT:** Frank Bolton, Vice Chairman; Thomas Clow, George Malette, Neal Kurk, Chip Meany, Sheila Savaria, Recording Secretary

**GUESTS:** Frank Campana, Rod Wilson, Burt Brown, Tim Healy, Claudia Bennett, Ed Sanborn, Debbie Brown

### **I: CALL TO ORDER:**

Acting Chairman Frank Bolton called the meeting to order at 7:05 pm at the Weare Town Office Building.

### **II: PUBLIC HEARINGS:**

This Public hearing is for discussion of zoning amendment proposals for inclusion on the March 2011 Town Warrant.

Amendment #2: Amend Article 34, "sign" ordinance with extensive revisions. The definition of "sign" is being expanded to add 'to convey a message or point of view to the general public. This was put in to give the Town control over the kind of signs allowed to be put up going forward. Changes were also made to include more signs, and to deal with those associated with residential and agricultural uses. There is no change to the concept of a temporary sign.

George Malette would like to see the time limit removed for temporary signs, which is proposed to be allowed for 16 out of 60 days. He feels that a 'temporary' sign is not clearly described, and a time limit is not enforceable and should not be included.

Ed Sanborn feels strongly that temporary signs should be allowed for more than 16 days out of 60. He give the example of political signs being left up far longer than 16 days during election time. He goes on to say that the town is trying to have too much control by putting so many rules against the people of this town, and feels that small businesses are the backbone of this community.

Debbie Brown feels an application for temporary signs is a good idea and suggests the concept of seasonal signs that would be allowed to be left up for an entire season.

Chip Meany says one of the major inconsistencies in the sign ordinance is that real estate signs are allowed to be left up indefinitely, but other signs, such as signs advertising cord wood, are not allowed to be left up. If a real estate sign and a cord wood sign are placed side by side, it is unfair to take down one but not the other.

Burt Brown says that temporary signs being left up isn't a big issue in town, and the length of time they are allowed to be kept up should be deleted at least for a year to see how many problems actually come up.

Tom Clow said he sees there is a problem enforcing a time limit on temporary signs and feels it needs to be better defined, but not deleted completely. Mr. Clow agrees that seasonal signs are a good idea.

George Malette moved to remove the last line of the sign definition which reads, "A temporary sign is a

sign displayed for sixteen (16) or fewer days in any sixty (60) day period.” Tom Clow seconded the motion. Discussion: Mr. Malette said that if you are going to have a regulation, the town people have to be behind it and it has to be enforceable. Mr. Kurk feels you cannot eliminate the sentence without substituting another definition for a temporary sign or all temporary signs would be treated as permanent signs. Tom Clow and George Malette voted in favor, Neal Kurk and Frank Bolton were opposed, therefore the motion did not carry.

Tom Clow moved to substitute language for the last line to read, “A temporary sign is a sign that is not permanently attached to a building or the ground. A temporary sign is displayed seasonally or for a specific short term purpose. George Malette seconded the motion. Discussion: Ed Sanborn asked Mr. Meany if there had been a lot of complaints in town about the temporary signs, who responded that there weren’t. Mr. Sanborn feels the complaints should be monitored, and that the town is not being very welcoming. Mr. Clow asked the public to consider that the purpose of the revision is to loosen the sign restrictions, and that the current ordinance is more restrictive than what is proposed. The changes were based on local business owners opinions and allows them more latitude. As a business owner and resident, Mr. Bolton said he enjoys not having a lot of signs and feel people move to Town to get away from business and all the signs. Mr. Malette feels ‘temporary’ should be removed everywhere in the sign ordinance and it should be discussed again next year. Neal Kurk and Tom Clow voted in favor of the motion; George Malette and Frank Bolton were opposed. The motion did not carry.

George Malette moved to have ‘temporary’ removed throughout the ordinance. There was no second, so the motion did not carry.

Ian McSweeney suggested listing everything that would be considered a sign, then anywhere in the ordinance that says sign, you could refer back to that list.

Neal Kurk moved to add ‘a temporary sign is a sign that is not permanently attached to a building or the ground, is displayed for a season or for a specific short term purpose, and may total no more than 32 square feet in addition to any other size requirements in a district; Tom Clow seconded. Discussion: Mr. Malette reminded that board not to use personal opinion for making decisions, and that no one has said there is critical need for wording related to a temporary sign. The citizens don’t have a problem and the board is not listening to them. Tom Clow, Neal Kurk, and Frank Bolton voted in favor, George Malette was opposed. The language will be changed in 34 and 34.2.

34.4 - Illumination Standards - This change would remove the restriction that says that signs must be lit from above, and would allow them to be lit from above or below as long as the light source doesn’t shine in houses or blind drivers. Mr. Malette feels this regulation should be left the way it is because dark sky lighting is for the rural countryside, and not having light splay out into the sky helps preserve the rural character of the Town. Mr. Clow said there are many signs that are attractive and lit from the ground.

George Malette moved to revert back to the original wording in section 34.4; Frank Bolton seconded. George Malette and Frank Bolton voted in favor, but Neal Kurk and Tom Clow were opposed. No changes will be made to 34.4.1.

34.4.3 - This change would allow lights to be displayed on signs from 7 days before Thanksgiving to January 10 only.

Debbie Brown would like to see this section deleted in its entirety, and Frank Campana feels it discriminates against other people, such as veterans, who would like to put up lights for Veteran’s Day. Ed Sanborn said that the people who pay taxes are being controlled too much and the Board should not tamper with Christmas lights. Neal Kurk explained that this change would include Christmas time, and does not prevent people from putting up Christmas lights on their homes.

34.7 - Replacement Signs - The opinion from Bill Drescher, the Town’s attorney is when someone

changes a sign or physically alters it, they must follow the Town's ordinance as written, but if the sign or post have deteriorated, you can change it or fix it without any effect on the grandfathering. A written statement of this opinion is forthcoming.

Neal Kurk moved to change the language of 34.7 to read, "When an existing sign is substantially altered physically, the new sign shall conform to the provisions of this ordinance." George Malette seconded the motion. Discussion: The word 'substantially' would mean a different size. All members voted in favor.

34.9.1 - Prohibited Signs - The changes in this section would prohibit any sign unrelated to an activity conducted on the premises where the sign is located. George Malette moved that he would like to add wording that says this does not include community events; Neal Kurk seconded. Discussion: Neal Kurk feels we cannot do that because that is a message and the Board can't regulate that.

34.9.6 - This change makes it clear that message board signs have to be portable.

George Malette moved to remove the last sentence from this ordinance that says portable signs have to be brought in after business hours; Tom Clow seconded. Discussion: Debbie Brown feels this is important because if message boards are kept out after she is closed, people can still see them. Ms. Brown says taking signs in and out is very inconvenient, and business owners should be allowed to leave them out. All members voted in favor.

34.10.1.2- These revisions are to increase the number of signs a business can have when there is more than one business on a lot.

Frank Campana said that it seems the Board is getting more restrictive on signs the farther you get from the village. He finds it illogical that they are less restrictive in town, and more restrictive the further people have to travel to a business.

George Malette moved to change 5' to 6' in regards to how far a sign is from the ground level to the top of the sign, and to add 'or from the center elevation of the road'. There was no second.

George Malette moved to change 5' to 6' in regards to how far it is from the ground level to the top of the sign; Tom Clow seconded. Tom Clow, George Malette, and Frank Bolton voted in favor; Neal Kurk was opposed. The wording will be changed from 5' to 6'.

34.10.2.3 - George Malette asked that the Board consider adding the wording 'or from the center line elevation of the road'. Frank Bolton feels people could easily go to the ZBA to get a variance.

34.10.2.3 - George Malette moved to delete 'and no part of any sign on the roof of a farmer's porch shall be higher than twelve (12) feet above grade; Neal Kurk seconded, all voted in favor.

Neal Kurk moved to change wording to 'In addition, each independent business may erect one (1) sign to contain not more than two (2) surfaces, each surface not to exceed twelve (12) square feet per surface, to be attached to its building on the lot either parallel or perpendicular to a vertical wall of the building or to be placed on the roof of a farmer's porch. Tom Clow seconded the motion, all voted in favor.

34.10.3.2 - Neal Kurk moved to eliminate 'and no part of any sign on the roof of a farmer's porch shall be higher than twelve (12) feet above grade; George Malette seconded, all voted in favor. George Malette moved to add 'center line elevation of the road' at the end of the ordinance; Tom Clow seconded, all voted in favor.

34.10.4.2 - Tom Clow moved to delete 'and no part of any sign on the roof of a farmer's porch shall be higher than fifteen (15) feet above grade; Neal Kurk seconded, all voted in favor.

George Malette moved to add wording in the first sentence to read 'The maximum number of 2 signs,

the total combined surface area shall not exceed 100 square feet, shall be allowed on any one lot containing more than one business. Neal Kurk seconded the motion, all voted in favor.

Neal Kurk moved to add 'The height of a free-standing sign shall not exceed ten (10) feet from ground level to the top of the sign, or from the center line elevation of the road; George Malette seconded, all voted in favor.

Amendment #3: Amend article 3.4.1 & 3.4.2 changes to performance standards.  
There were no members from the public present at this hearing.

3.4.1 - Frank Bolton made several proposed changes to the article such as adding that the zoning ordinance apply to new construction, and also it would apply to living space within a building. Mr. Bolton also recommended adding that Planning Board oversight is required. He feels that Weare residents would be better served if they had the Planning Board input on certain cases involving decisions made by the CEO. The CEO makes certain decisions and if there is a question to who is right and wrong, the ZBA should be consulted. After some discussion, the board agrees to disregard the proposed changes.

3.4.2 - Mr. Bolton feels the way this section is currently written makes it impossible to enforce. He suggests making it substantially less rigid. Currently, the CEO uses the payment of taxes as an indication of the building not being discontinued, and not just the vacancy of the property for 2 years. Mr. Bolton feels this is misleading. Bill Drescher the Town's attorney has expressed to the CEO that the words 'abandonment' and 'discontinued use' need to be better defined. The board decided it is too late to make changes since they don't have a written opinion from Mr. Drescher.

Neal Kurk moved that the Planning Board take no action with respect to amendment 3; George Malette seconded, all voted in favor. Articles 3.4.1 & 3.4.2 will remain unchanged.

Amendment #4: Amend article 29, aquifer protection, to include the Wellhead Protection plan from SNHPC. There were no members from the public present at this hearing.

There were several changes discussed by the board to the aquifer protection plan, such as changing wording and whether or not to adopt the updated well head protection map. Neal Kurk moved to not include any changes in the aquifer protection zoning ordinance section until next year; Frank Bolton seconded. Discussion: Tom Clow commented that he had read the article, but having seen the revisions for the first time, he needs time to read through it. George Malette asked that the motion be taken back to give the board more time to look over it since this has been ongoing for 2 years already. Neal Kurk and Frank Bolton voted in favor of the motion, Tom Clow and George Malette were opposed.

George Malette moved to add in the section discussing Wellhead Protection, and adding the paragraph under AND in section 29.3; Neal Kurk seconded, all voted in favor.

#### **IV: ADJOURNMENT:**

As there was no further business to come before the board, Tom Clow moved to adjourn the meeting at 1:32 am; George Malette seconded, all voted in favor.

Respectfully submitted,

Sheila Savaria